

EXHIBIT
E

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
FACSIMILE: 1-212-558-3588
WWW.SULLCROM.COM

125 Broad Street
New York, New York 10004-2498

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

BRUSSELS • FRANKFURT • LONDON • PARIS

BEIJING • HONG KONG • TOKYO

MELBOURNE • SYDNEY

November 25, 2020

Via E-mail

Michael J. Melkersen, Esq.,
Melkersen Law Group, LLC,
5 Surfside Road – Palmas Del Mar,
Humacao, Puerto Rico 00791.

Re: *Garcia, et al. v. Volkswagen Group of America, Inc., et al.*,
Case No. 1:19-cv-331-LO-MSN

Dear Mike:

On behalf of Volkswagen Group of America, Inc. (“VWGoA”), I write to set forth VWGoA’s position regarding current and former employees that Plaintiffs proposed as additional document custodians, and to respond to a question Plaintiffs asked regarding certain title applications.

Custodians. As you are aware, in our September 28, 2020 letter, VWGoA proposed the following 11 custodians:

1. Jerohn Anderson
2. Michael Ashton
3. Mark Gillies
4. Carrie Glynn
5. Andrew MacKnight
6. Robert (Bob) McCarthy
7. Bryan Reel
8. Chris Sandvig
9. Steven Slatton
10. Patrick Stowe
11. Ana Wolyniec de Freitas

In response to your October 1, 2020 letter, VWGoA proposed in a letter dated October 15, 2020 the following seven additional custodians:

12. Chi-han Chen

Michael J. Melkersen, Esq.

-2-

13. Timothy Glynn
14. Jed Hathaway
15. David Holtz
16. Robert Martell
17. Gregory McReynolds
18. Scott Vazin

After careful consideration of the remaining custodians that you have requested and their likelihood of maintaining documents responsive to your document requests, VWGoA agrees to add the following individuals as custodians:

19. **Michael Briskie**, Enthusiast Specialist, VW Experiential Marketing (former)
20. **Oliver Burk**, Director, Pilot Hall (former)
21. **Kerry Christopher**, Senior Manager, Product Communications, VW Press & Public Relations (former)
22. **John Ellefson**, Senior Manager, Customs & Trade Compliance (former)
23. **Amelia Fine-Morrison**, Product Communications Specialist, VW Press & Public Relations (former)
24. **Kathrina (Kate) Friedmann**, Assistant Manager, Program Planning & Production Control (former)
25. **Christopher (Chris) Hoener**, General Manager, Fleet and CPO, VW Fleet & Remarketing (former)
26. **Artemisa Landero Lopez**, Vehicle Order Manager, Sales Operations, VW Sales Planning & Strategy (former)
27. **Richard Fuentes**, Technical Assistant Manager, FAP Resolution, QA-Quality Steering Planning & Project (former)
28. **Sean Maynard**, Enthusiast Specialist, VW Experiential Marketing
29. **Paulo Portela**, Director, Pilot Hall (former)¹
30. **Corey Proffitt**, Product Communications Specialist, VW Press & Public Relations (former)
31. **Timothy Thrun**, Distribution Manager, VW Sales & Marketing: VW Sales Operations, Planning & Strategy (former)
32. **Holger Schreiber**, Vehicle Order Manager, Sales Operations, VW Sales Planning & Strategy (former)
33. **Leigh Anne Sessions**, Product Communications Specialist, VW Press & Public Relations (former)
34. **Scott Weitzman**, General Manager, CPO, VW Fleet & Remarketing (former)

¹ Note that while Mr. Portela is a former employee of VWGoA, he is a current employee of Volkswagen Aktiengesellschaft.

Michael J. Melkersen, Esq.

-3-

35. **Ralph Woll**, Director, Pilot Hall (former)
36. **Atia Yarbrough**, Vehicle Order Manager, Sales Operations, VW Sales & Strategy (former)

VWGoA does not agree to add Stuart Johnson or Oliver Schmidt as custodians. Stuart Johnson and Oliver Schmidt are, as you are well aware, former heads of VWGoA's Engineering & Environmental Office ("EEO"), which is concerned with compliance with U.S. emissions laws. Nowhere in the Second Amended Complaint do Plaintiffs bring any allegation regarding the emissions compliance of the purported class vehicles. Notwithstanding, VWGoA notes that it agreed on October 15, 2020, to add Gregory McReynolds, an EEO manager, as a custodian. Further, Stuart Johnson and Oliver Schmidt were custodians in the TDI litigation, and as such VWGoA is already running searches over their data in the Rational database, as explained in our September 28, 2020 letter. With respect to Michael Horn, VWGoA similarly does not believe that he should be added as a custodian. Nevertheless, in light of your claim that Mr. Horn was "directly involved in the decision to sell pre-production vehicles," we are further considering your request.

Moreover, VWGoA does not agree to add Alexandra Juenger, Jessica Arzivu Mora and Oliver Wessel as custodians because they have never been employed by VWGoA. Finally, VWGoA declines to add Martha Brown as a custodian, given that her date of termination was September 1, 2007, and she was thus insufficiently involved in events of the relevant time period to justify adding an additional Customs custodian.

In light of the 36 custodians VWGoA has now agreed to, we remain highly skeptical that any further custodians would be warranted. Nevertheless, to the extent that Plaintiffs can explain why the following positions or individuals are relevant (and non-duplicative) to the action, we would be willing to further meet and confer:

- Hardy Brennecke
- Clark Campbell
- Anthony Dickerson
- Roberto Eggeling
- "Executive Board members who signed Project Appropriations Requests"
- Fabio Freccia
- "Lifestyle Department Head"
- Michael Hill
- Patrick Mayer
- Roger McAvoy
- Rainer Michel
- Thomas Muth
- Steven Purcell

Michael J. Melkersen, Esq.

-4-

- Joerg Sommer

Title Applications. In our November 4, 2020 meet-and-confer you asked VWGoA to identify the employee whose signatures appear on title applications for R. Garcia and Jacobson. VWGoA confirms that the signatures on the referenced title applications belong to Carrie Glynn, whom VWGoA has already designated as a custodian in this matter, as disclosed in our September 28, 2020 letter.

Sincerely,

/s/ *Suhana S. Han*

Suhana S. Han

cc: Counsel of record